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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 FRANCISCO GONZALEZ ALCALA,

10 Petitioner,

11 v.

12 A. NEIL CLARK, Field Office Director,
13 U.S. Immigration and Customs Enforcement,

14 Respondent.

CASE NO. C08-1674-MJP-BAT

REPORT AND RECOMMENDATION

15 On November 17, 2008, petitioner Francisco Gonzalez Alcala, proceeding pro se, filed a
16 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the
17 U.S. Immigration and Customs Enforcement. (Dkt. 6). On January 7, 2009, however, respondent
18 filed a Motion to Dismiss for Mootness, along with documentation indicating that petitioner was
19 removed to Mexico on December 13, 2008, and that petitioner's habeas petition has become moot
20 and should be dismissed. (Dkt. 11).

21 The Court agrees with respondent that petitioner's habeas petition is moot and should be
22 dismissed. For a federal court to have jurisdiction, "an actual controversy must exist at all stages
23 of the litigation." *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).
24 "When a controversy no longer exists, the case is moot." *Id.* Because petitioner has been
25 removed and is no longer detained by ICE, the Court finds that petitioner's request for release

1 from detention should be dismissed as moot. *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346
2 (9th Cir. 1992) (holding that the District Court properly dismissed plaintiff's claims that had
3 become either moot or unripe). Accordingly, I recommend that this action be dismissed with
4 prejudice. A proposed Order accompanies this Report and Recommendation.

5 DATED this 8th day of January, 2009.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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